

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
EXECUTIVE SESSION MINUTES
DECEMBER 4, 2012
6:30 PM**

Mayor Kelly called the meeting to order at 6:35PM

Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call: Council members Carrick, Freeman (left at 8:00PM), Hayes, Stylianou, Zamechansky-present

Councilman Brophy-absent

Mayor Kelly-present

Motion to accept agenda as presented: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to open to the public: Councilman Hayes

Second: Councilman Freeman

All in favor.

Carolyn Blowers, Director of the Dixon Homestead Library, was present along with assistant director Ms. McGrath and library trustees Ms. Lane, Ms. Consentino and Ms. Sadock. Ms. Blowers spoke to the Council about the 2013 Library budget. The expected decrease is \$39,455, which will be detrimental to the services they are able to provide to residents. They have lost employees who have not been replaced and made some full-time employees part-time. They have not had a raise in three years. The library used to be open sixty-eight hours a week and is now open only fifty-one hours. A budget cut this coming year would mean that one part-time staff member would have to be eliminated, hours cut of the three remaining part-time employees and the children's librarian's hours cut in half. Ms. Blowers needs to know about the budget by the end of the January.

Motion to close: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Administrator's Report

At the last meeting Mr. Perkins explained that the property owner of 34-38 Grant is interested in buying a 25X114 contiguous piece of borough property for parking purposes. The assessor will be asked to determine the value of the property. There was no objection from the Council.

Mr. Perkins gave the Council a report pertaining to issues, equipment, communication and recommendations regarding Hurricane Sandy.

A recycling program will be presented to Grant and Lincoln School. It will be paid for through a Clean Communities grant.

Because of the loss of time due to the storm, he requested that the seasonal workers stay an additional eight days. FEMA money will cover the cost. There were no objections.

The kickoff meeting with FEMA was held last Friday. Right now we have about \$70,000 in expenses for the cleanup, which will be paid for initially through surplus.

Council Committee Reports

- Councilman Carrick

No Report

- Councilman Freeman

No Report

- Councilman Hayes

Ambulance Corps

They are currently holding their annual fundraiser. The Municipal Clerk will announce it on the electronic sign.

Fire Department

Matthew Banta is Acting Chief due to Chief Spina's leave of absence. The new Chief's vehicle for the Fire Department will be provided from the Fire Prevention Trust Fund.

Steve Cavadias, Fire Prevention officer, explained the Trust Fund can be used only for education for fire prevention or equipment for the Fire Department.

Joint Land Use Board

There was no meeting due to lack of agenda

Rent Leveling Board

Nothing until January.

- Councilman Stylianou

No Report

- Councilwoman Zamechansky

Senior Citizens

Their holiday luncheon is planned for this Thursday.

Celebrations

The Winter Festival is scheduled for Friday. Gift cards will be collected for victims of Hurricane Sandy.

Board of Health

The Board has requested plaques recognizing two people who are deceased. The Councilwoman suggested plaques be put up in the Health Department. She will bring it up to the Board of Health. They meet quarterly but the last two meetings have been cancelled.

Mayor's Report

No report

Attorney's Report

Mr. Paster has been monitoring correspondence between Tomco and T&M related to change orders to be sure they are not in excess of 20%, which would then require DCA approval.

He is finishing review of the Red Light Camera contract, which was awarded earlier this year. There are some issues he needs to discuss with their attorney.

The Police Promotions ordinance amendment will be introduced tonight. The ordinance with the changes underlined was handed out to the Council. However, the number of years required to have been on patrol should be revised from four years to six years and military service counts as four points, not two points.

Police Commissioner Carrick stated that all the police officers have signed off and had their signatures notarized.

Mr. Paster responded that he was going to write the waiver but he spoke to the PBA attorney who said that he would write the waiver for the police to sign. Mr. Paster will write a Memorandum of Understanding so that from a legal standpoint, everyone agrees to everything discussed. He asked that the forms be given to the Municipal Clerk who will keep the original and send a copy to him.

He will be putting together specifications for a DPW generator bid.

Mr. Paster will take the RFQ's tonight and prepare a review spreadsheet.

Mr. Paster prepared a Shade Tree Interlocal agreement with Demarest, which complies with the resolution already adopted.

Councilman Carrick inquired about the Borough buying a generator for the Dumont Avenue Senior Center. The building is privately owned. The Mayor responded that they have been having discussions with the owner about providing a generator, which would cost about \$70,000 to \$80,000. Councilwoman Zamechansky is not optimistic that the owner will provide the generators. She feels that the Dumont Senior Center should be designated a shelter.

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#12-240 Bills List * Councilwoman Zamechansky asked it be moved to non-consent

#12-241 John Steinwagner-Accept Application to Fire Auxiliary *

#12-242 Approval of Preliminary Costs for Borough Hall Needs Assessment *

#12-243 Approval of Arcari & Iovino Architects' Needs Assessment Proposal-not to exceed \$25,000 *

Councilman Hayes asked for an explanation of #242 #243 and asked if it should be put off until next year since there will be changes in the Council.

The Borough Attorney confirmed that this building is owned by the Borough.

The Administrator explained the needs assessment would specify what we have, what we need, the cost to take this building down and how much space would be needed for a new building. A lot of money will be saved because it would be more efficient to run.

Councilman Hayes verified for the record-the needs assessment will not cost more than \$25,000.

#12-244 Approval of Live Entertainment Permit for Madison's December 8, 2012 *

There was discussion as to whether the Bills List had to be moved to the non-consent agenda. Mr. Paster advised if a council member is on the bills list they should not vote on it

according to the ethics statute. Councilman Stylianou is being reimbursed for laying out \$115 for umpires and does not see a conflict with voting for the many other items on the bills list. He and Councilwoman Zamechansky will abstain from voting on their reimbursements.

Mayor Kelly asked for clarification on the Chasan, Leyner bill. It will be provided.

Councilman Freeman-for the record-he has no affiliation with Ken's Magic on the bills list.

Motion to open to the public on Consent Agenda: Councilwoman Zamechansky

Second: Councilman Stylianou

All in favor.

Motion to close: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to adopt Consent Agenda minus the Bills List: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Freeman, Hayes, Stylianou, Zamechansky-yes

Non-consent Agenda

#12-217 Authorization of Supplemental Funding for T&M Associates for NJEIT Phase II- not to exceed \$66,660.09 (previously tabled 4 times)

The Mayor stated that this resolution was tabled last time so that anyone with a question would have the opportunity to contact the engineer.

Councilman Carrick addressed Mr. Chen in the audience, saying that Mr. Chen had said the bill should be paid but suggested he look at the report. Councilman Carrick said that the bill has too many expenses on it and they don't add up but will go along with the rest of the Council.

Councilman Hayes asked what would happen if this bill was not paid. The answer was that they could sue.

Motion to open to the public: Councilman Hayes

Second: Councilman Freeman

All in favor.

1. Mr. Chen, 90 Teak Road, said that if the information could be made available on the website he would be happy to look at it. If you feel T&M's billing is not right, that passion should be carried over when looking for a new engineer.

Motion to close: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to adopt: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Councilman Freeman, Hayes, Stylianou, Zamechansky-yes

Councilman Carrick-no

#12-240 Bills List

Motion to open to the public: Councilman Hayes

Second: Councilman Stylianou

All in favor.

Motion to close: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

Motion to adopt: Councilman Hayes

Second: Councilman Freeman

Roll call vote: Council members Carrick, Freeman, Hayes, Stylianou to all with abstention on item #10872 in the amount of \$115, Zamechansky to all with abstention on #51986 in the amount of \$550.01-yes

#12-245 NJEIT Phase II Change Order #7-Clean and Desnag Brook in the Area South of Madison Avenue and Clean Culvert South of E. Quackenbush Avenue-\$56,750.00

The Mayor explained that this was in the original plans and had been removed.

The Administrator stated that if we wait it will not get done until Spring. This is an important part of the project. There could be an increase in cost if we wait. Tomco is waiting to get authorization so they can start right away. The change order amount is for lineal feet. Originally it was thought that the DPW could do the work but they do not have the equipment to do so. There was much discussion about the cost. Mr. Paster suggested that the change order be approved subject to further explanation from the engineer.

Motion to open to the public: Councilman Stylianou

Second: Councilman Freeman

All in favor.

1. Barbara Correa, 240 Larch Avenue, asked if this was in the bond and the amount left in the bond. What happens if there are more change orders? Do we have enough money to cover the project? Mrs. Correa said that she hopes on future projects, there would not be so many change orders.

Mayor Kelly responded that the project should be done by Christmas. The only thing left for them to do is planting in the Spring.

Mr. Paster explained that if the project did go over the 20% change order maximum the Borough would have to get authorization from the DCA and then, if needed, ask the DEP NJEIT for supplemental funding. It's a funding rate under 1%.

Motion to adopt Resolution #245 with the condition the hourly rate is provided: Councilwoman Zamechansky

Second: Councilman Stylianou

Roll call vote: Council members Stylianou, Zamechansky, Mayor Kelly-yes

Council members Carrick and Hayes-no

Motion carried.

ORDINANCES

Second Reading

#1450 Bond ordinance providing for the acquisition and installation of air quality equipment and improvements at the police department, by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$65,000 therefor and authorizing the issuance of \$61,750 bonds or notes of the borough to finance part of the cost thereof

Motion to waive formal reading: Councilman Stylianou

Second: Councilwoman Zamechansky

All in favor.

Motion to open to the public: Councilman Stylianou

Second: Councilwoman Zamechansky

All in favor.

Motion to close: Councilwoman Zamechansky

Second: Councilman Carrick

All in favor.

Motion to adopt on second reading: Councilman Stylianou

Second: Councilman Hayes

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

#1451 Amendment to Chapter 21-Traffic and Parking of the Borough Code-Municipal Parking

The fee for residents remains \$120; the fee for non-residents is \$180.

Motion to waive formal reading: Councilman Stylianou

Second: Councilman Hayes

All in favor.

Motion to open to the public: Councilman Stylianou

Second: Councilman Carrick

All in favor

1. Kai Chen, 90 Teak Road, is disappointed that this ordinance was not on the Borough website. This is not the first time. He would like this ordinance tabled.

The ordinance was published as required and posted on the bulletin board. The Municipal Clerk suggested that Mr. Chen simply call if something he is looking for on the website is not posted.

He responded that it is not fair for the public to have to chase down information.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Stylianou

All in favor.

Councilman Hayes said the ordinance should be tabled until the next meeting until it is on the website for the public to see.

Councilwoman Zamechansky stated she understands the Municipal Clerk's office tries to keep the website updated and the ordinance shouldn't be tabled due to an oversight.

Motion to adopt on second reading: Councilman Stylianou

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Stylianou, Zamechansky-yes

Councilman Hayes-no

Motion carried.

First Reading

#1449 Amendment to Chapter 75, Section 9 of the Borough Code-Police Promotions (Revised)

Motion to waive formal reading: Councilman Carrick

Second: Councilwoman Zamechansky

All in favor.

Mr. Paster pointed out that there are changes in the ordinance submitted to the Council for introduction: six years minimum service to be eligible for promotion and military credit of four points. Each member of the PBA submitted an executed and notarized waiver not to sue over this promotion process, which was a primary concern of the Council and himself, since the written test examination requirements were rescinded. He will have a formal Memorandum of Agreement with the PBA attorney by the second reading.

Motion to adopt: Councilman Carrick

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

Motion carried.

Motion to open to the public for general comments: Councilman Stylianou

Second: Councilman Hayes

All in favor.

Motion to close: Councilman Stylianou

Second: Councilman Hayes

All in favor.

Dan Ferretti, CEO of Ferretti Carting in Hackensack, N.J., was present to address concerns and issues which have arisen concerning their service. His assistant, Stephanie, Bill Ebenhack, DPW Superintendent and Steve Cavadias, violation official were also present.

Issues are: lateness of the trucks being in town picking up garbage, not picking up at all, safety of his employees, garbage left in the street and communication.

Mr. Ferretti apologized on behalf of the company, saying he is taking progressive measures to correctly update the team members on board in Dumont. He showed photos he had taken of construction materials, which was left for garbage pickup. The overages in the recycling, construction and bulk materials is causing the delayed time for the trucks. The Borough pays for this unauthorized garbage that is dumped at the disposal facility. He suggested a red sticker program-the violations official would put a red sticker on garbage that should not be picked up. Recycling materials are also mixed in with garbage. Ferretti should not pick this up.

Mr. Ferretti said that some people are putting out their garbage after pickup and then complaining their cans were not picked up.

Mr. Ferretti stated that there are two trucks running in town Monday, Tuesday, Thursday and Friday. Adding a truck would be too costly.

It was suggested that the trucks should follow a certain schedule every day which would make pickup faster, more efficient and eliminate missed pickups.

Mr. Perkins asked that Mr. Cavadias contact the multiple dwellings to advise them effective immediately they have to comply with the Recycling program. If there is a mixed load the garbage truck is not going to take it. Another issue for further future discussion is perhaps tagging curbside garbage-couches, etc., so the hauler knows to pick it up. Ferretti should call the DPW to report if there is garbage that shouldn't be put out for pick up.

There will be a follow-up meeting in January with Mr. Ferretti, Mr. Perkins and DPW representatives.

Motion to adjourn: Councilman Carrick

Second: Councilman Hayes

All in favor.

Meeting adjourned at 10:00PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk